

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

AUGUSTINE RIVERA,

Petitioner,

No. C-13-2851 TEH (PR)

v.

ORDER OF DISMISSAL

R. GROUNDS, Warden, et al.,

Respondents.

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Petitioner Augustine Rivera, an inmate at the California Correctional Training Facility, filed a petition for a writ of habeas corpus on June 20, 2013. Doc. #1. On the same day, the Clerk notified Petitioner that he had not filed an application to proceed in forma pauperis (IFP) with his petition and that he must pay the \$5.00 filing fee or complete and sign the Court's IFP application with a Certificate of Funds in Prisoner's Account form. Doc. #2. The Clerk enclosed both forms and a return envelope with the notice. Doc. #2. The Clerk's notice included a warning indicating that, if Petitioner did not respond within twenty-eight (28) days from the filing date stamped on the notice, his action

1 would be dismissed, the file closed and the entire filing fee will
2 become due immediately.

3 The deadline to file the IFP application or pay the \$5,00
4 fee has passed and Petitioner has not filed the application, paid
5 the fee or communicated with the Court in any manner. The action,
6 therefore, is DISMISSED WITHOUT PREJUDICE for failure to file an IFP
7 application or pay the filing fee.

8 The Clerk shall terminate all pending motions as moot and
9 close the file.

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11 IT IS SO ORDERED.

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13 DATED 07/30/2013



THELTON E. HENDERSON
United States District Judge

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